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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 002432

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SUBJECT: BHUTANESE REFUGEES: FRIENDS OF BHUTAN VISIT TO  
THIMPU YIELDS FEW RESULTS

REF: KATHMANDU 2385

Classified By: Ambassador Michael E. Malinowski for reasons 1.5 (b,d).

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SUMMARY  
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1. (C) During a recent visit to Kathmandu, the Swiss and Austrian Ambassadors resident in New Delhi reported on their visit December 1-3 to Thimpu. The five-nation Friends of Bhutan demarched the Royal Government of Bhutan (RGOB), urging it to increase transparency in the repatriation process, to complete verification of the remaining camps as quickly as possible, and to allow for third-party monitoring. The RGOB agreed that verification should be completed quickly and asserted that the Bhutanese Verification Team now in Khudunabari Camp will provide information to the refugees about repatriation. The RGOB did not agree to third-party monitoring, however. The Swiss and Austrian Ambassadors criticized UNHCR for withdrawing financial support for the Nepali Verification Team, suggesting that UNHCR was increasing the refugees' anxiety over repatriation. The Austrian Ambassador suggested that the donor community must trust the RGOB to respect the human rights of the refugees. U.K. and EU representatives at the meeting questioned the RGOB's sincerity and noted a disconnect between its words and actions. The "Friends" visit to Thimpu appears to have yielded few concrete results. End Summary.

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FRIENDS OF BHUTAN DEMARCHE GOVERNMENT IN THIMPU  
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2. (SBU) On December 4, UNHCR Regional Director Jean-Marie Fakhouri briefed donors on his impressions from his visit to Nepal and on the direction UNHCR likely will move on the Bhutanese refugee question. The content of Fakhouri's briefing was provided Reftel. This cable is primarily meant to report on the December 1-3 visit to Thimpu of the "Friends of Bhutan." Both Ambassador Walter Gyger of Switzerland and Ambassador Jutta Stefan-Bastl of Austria attended Fakhouri's briefing and provided a read-out of their visit. (Note. These two Ambassadors are based in New Delhi but responsible for both Nepal and Bhutan. End Note.)

3. (C) Gyger prefaced his remarks with the suggestion that the diplomatic missions in New Delhi and Kathmandu meet more often to discuss issues, particularly regarding the Bhutanese refugees. He confirmed that both he and Ambassador Stefan-Bastl, along with a representative from Denmark, had just returned from a visit to Thimpu. He noted that the governments of Norway and the Netherlands had given the delegation authority to speak on their behalf. Gyger said that the Friends' demarche to the RGOB focused on four points, although he only elaborated three of those points.

4. (C) First, the Friends urged the Royal Government of Bhutan (RGOB) to increase transparency in the repatriation process. Gyger said that the refugees' anxieties over repatriation are understandable. The RGOB gave assurances to the Friends that the Bhutanese Verification Team now in Khudunabari Camp is there not only to review Category III appeals, but also to inform the refugees of the conditions awaiting them inside Bhutan. The RGOB also confirmed that repatriation forms will be distributed to Khudunabari Camp refugees after Category III appeals have been reviewed. (FYI: The review should be complete sometime in late January/early February. End FYI)

5. (C) Second, the Friends urged the RGOB to complete verification of all camps as quickly as possible. Gyger agreed with Fakhouri that the refugees have been confined to the camps for far too long and this situation must be resolved soon. According to Gyger, the RGOB concurred.

6. (C) The third, and most sensitive point raised by the Friends, was the issue of third-party monitoring. Gyger left Thimpu with the impression that the door to third-party oversight is now "a little open." He said that instead of rejecting the suggestion outright, the RGOB said it "does not see a need (for third-party monitoring) now" but agreed to continue discussions on the issue. According to Gyger, the

Friends conveyed to the RGOB that they did not wish to pressure the government, "only to help and support movement forward." Gyger asserted that the donors must accept that UNHCR is "not welcome" in Bhutan and recognize the progress made by the RGOB in allowing over 70 percent of the refugees to return. Gyger then criticized UNHCR for withdrawing financial support from the Nepali Verification Team. UNHCR should avoid increasing the anxiety of the refugees over whether to return to Bhutan, he added.

17. (C) Austrian Ambassador Stefan-Bastl then commented that the Friends of Bhutan had agreed that verification and repatriation would be a bilateral process because "they felt that there was no other way to move forward." She said that she has visited Thimpu three times in the past year and has witnessed a shift in the King's position vis-a-vis the refugees. Stefan-Bastl expected UNHCR to be helpful, not critical, of the process. She said they had no choice but to trust the RGOB to respect the refugees' human rights. She also suggested there might be another possibility for third-party monitoring, but would not elaborate. (Note: UNHCR External Affairs Director for Asia Milton Moreno afterwards told PolOff that he suspected the Austrian Ambassador was suggesting a possible role for the International Organization for Migration (IOM). However, Moreno believed IOM was not a good candidate because of recent problems associated with IOM turning back asylum-seekers in Australia. End Note.)

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EU AND UK REPRESENTATIVES REACT WITH SKEPTICISM  
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18. (C) Gyger's remarks sparked immediate comment from both the U.K. and EU representatives at the meeting. The U.K. representative noted that the RGOB has not ratified any international human rights conventions and has failed to allow for third-party monitoring of the refugees. He highlighted the absence of any commitment in writing and strongly questioned the sincerity of the RGOB's verbal assurances. Like Fakhouri, the U.K. representative also questioned whether the current bilateral process will provide a durable solution to the refugees.

19. (C) Similarly, the EU Commission representative, who has visited Thimpu six times, opined that the RGOB is "very clever" and, through its red-carpet treatment, has always been very successful at convincing visitors of its good intentions while at the same time providing little follow-through in action. He mentioned that he has worked on the refugee issue off and on for over six years and the RGOB has always kept the door "a little bit open," without ever opening it all the way. He questioned the RGOB's sincerity in providing a durable and positive solution to the refugee issue. The EU representative asked the Swiss Ambassador whether the RGOB had agreed to return the refugees to their home areas -- an issue of significant concern to the refugees -- and Gyger replied no. Gyger added, however, that the RGOB has agreed to provide the refugees with jobs, free access to education and health services and temporary residency cards.

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COMMENT  
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10. (C) The Friends' visit to Thimpu appears to have yielded few results. From the Ambassadors' comments, it also appears that the Friends have conceded an important point to the RGOB -- namely that the repatriation of the refugees is not an international, but bilateral process. From their accounts, it does not appear that Bhutan's donors are willing to exert pressure on -- or use their leverage with -- the RGOB on accepting a third-party monitor and providing guarantees for the refugees. According to Jean-Marie Fakhouri, this is the first time UNHCR has not been an active player in the verification and repatriation of a refugee population. The implications of this for future UNHCR interventions around the world could be significant.

11. (C) Comment Continued: The critical question now is whether the current bilateral process will provide a just and durable solution for the Bhutanese refugees. The RGOB has shown no willingness at this point to permit third-party monitoring, to return the refugees to their homes, or to guarantee citizenship to the majority of refugees. By claiming that the majority of refugees left Bhutan voluntarily, the RGOB has effectively stripped them of their refugee status and created the risk of their becoming stateless persons after the camps are closed. Although the RGOB has agreed verbally to provide returnees with jobs and access to social services, it has committed to nothing in writing. Nor has the RGOB said whether the returnees will be free to choose a job commensurate with their education or whether they will be required to work as manual laborers in, for example, construction or hydropower plants. According to our Bhutanese interlocutors, the RGOB continues to discriminate against ethnic Nepalis in Bhutan (reported

septel). It will be very important to discover whether the Bhutanese members of the JVT clarify these questions for the refugees. Unless there are firm indications that officially sanctioned ethnic discrimination will not be applied to the repatriates, we may need to consider whether the USG can support the current bilateral process without third-party oversight. End Comment.  
MALINOWSKI